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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,270	12/11/2001	Arturo A. Rodriguez	A-7312	7025

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EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/015,270	<b>Applicant(s)</b> RODRIGUEZ ET AL.	
	<b>Examiner</b> KIEU-OANH T. BUI	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 239-260, 279 and 280 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 239-260, 279 and 280 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Remarks***

1. Claims 209-238 were canceled in the amendment dated 6/3/04 (paper 11), and claims 261-278 were canceled in the amendment received 8/22/05, with new claims 279-288 are added. Pending claims are now claims 239-260, and 279-280.

### ***Response to Arguments***

2. Applicant's arguments or remarks with respect to claims 239-260 and 279-280 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claim 245 and claim 255 dependent on later claims 279 and 280, respectively, are inappropriate, and appropriate correction must be performed.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

5. Claims 239-260 and 279-280 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons et al. (U.S. Patent 5,880,768) in view of Schein et al. (US Patent 6,388,714 B1).

Regarding claims 239 and 279, Lemmons discloses “a method for providing television services by a television set top terminal (“STT”)” (Figs. 1 & 2, col. 4/lines 20 for Set top box STB or set top terminal, and col. 5/lines 58-65 for television services provided in addition to a conventional cable telecasting) comprising: “receiving by the STT a first user input including information for associating a user preference corresponding to at least one parameter and a first time interval” and “responsive to receiving the first user input, storing data in memory identifying the association of the at least one parameter with the first time interval”, i.e., user uses a remote 78 for providing input commands to the set top terminal 70 (as shown in Fig. 2), and the user can schedule their favorite programs and services, by defining the interested time intervals of start time and end time (for claim 279), as shown in Fig. 8, and the selection process is stored in the memory 76 (Fig. 2, and col. 19/lines 5-15).

Lemmons does not further addresses the step of in response to the user second input in requesting interactive guide that lists identification of television content instances, which displays the interactive guide including a listing in a promote manner simply based on the user

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profile or preference (the at least one parameter, and the first time interval—meaning which also can be selected by the user) and the guide lists the promoted items along with other non-promoted items (as amended); however, this technique is taught by Schein as Schein clearly shows an interactive program guide, as shown in Figs. 16B & 16C, the program guide offers a list of items or instances (such as music videos and business & stocks for soliciting of requesting products info or services for ordering/purchasing), which can be selected by the user/viewer, in a promoted manner beside the non-promoted instances (such as headlines news, national & local news—they are regular broadcasting programming services to users). In addition, Figs. 17B & 17C show a clear view on this issue as in addition to regular program broadcast of a sports channel, a related product for sale as a NFL cap regarding as items offered in a promoted manner (refer to Schein, col. 1/line 45 to col. 2/line 17 on how advertisers promotes their products and services & col. 12/lines 23-47 for user preferences and customization to display promoted items per the user's profile). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lemmons' system with known technique as disclosed by Schein in order to target the users/viewers with appropriate products and services based on the users' preference or profile in addition to the available of non-promoted services.

As for claims 240 and 241, these limitations are met and disclosed above as Schein clearly shows that the services is offered for future or upcoming events, meaning ahead of the television content instance identifications that are not listed in a promoted manner on the interactive guide (refer to Fig. 17A, at instance 724 for "Free Show for December" for upcoming events in a promoted manner besides other non-promoted programs as listed on the interactive guide).

As for claims 242 and 243, these limitations are met as Lemmons discloses that wherein the at least one viewing parameter corresponding to a type of purchasable television service and at least one parameter identifies a television service, i.e., the program guide shows the user can select television service with selection parameters as for “Rating”, categories as for “Action” and is used for a purchasable television service (Fig. 7 and please note as pointed out in col 5/lines 58-65, the system provides additional television services not only for television programs).

As for claims 244-247, in further view of claims 240-241 above, these limitations are met as Lemmons further discloses to include at least one parameter with the first time interval is stored in the memory for a plurality of days, using a clock time with subsequent start and end time for a second time interval, and a plurality of time intervals, wherein the plurality of time intervals occur during a plurality of respective days (Fig. 8/item 304 for plurality of time intervals, and the selection of one of these time intervals from the user is stored in the memory for a plurality of days, as shown in Fig. 8, the user can pre-define within a calendar, and col. 7/lines 22-30).

As for claim 248, Lemmons further discloses “wherein the at least one parameter is one of program type, a channel type, a channel identity, a television service type, a service instance, a service instance type, and a service instance rating” (Fig. 7 shows program type as movies in Action or Sci-Fi with different ratings at 214, etc., a channel type as sports, pay-per-view or news, as in col. 14/lines 1-30, and a channel identity as channel 4, 5, 7, 9, HBO etc. as in Fig. 9).

As for claim 249, Lemmons further discloses “wherein the user preference is selected by a user from a list of user preferences” (Figs. 24-28, and col. 29/line 55 to col. 31/line 23 on how to customize the user’s favorite list or preference list).

Regarding claims 250 and 280, Lemmons discloses a method for providing recorded television content instances by a television set top terminal (“STT”) (Figs. 1 & 2) comprising: “receiving by the STT a first user input including information for associating a user preference corresponding to at least one viewing parameter and a first time interval”, and “responsive to receiving the first user input, storing data in memory identifying the association of the at least one parameter with the first time interval”, i.e., user uses a remote 78 for providing input commands to the set top terminal 70 (as shown in Fig. 2), and the user can schedule their favorite programs and services, by defining the interested time intervals of start time and end time, as shown in Fig. 8, and the selection process is stored in the memory 76 (Fig. 2, and col. 19/lines 5-15); and “responsive to receiving the request for recording the television service, receiving by the STT a request for recording a television service corresponding to the viewing parameter, accessing the association of the at least one parameter with the first time interval, and determining whether the request is for recording the television service during the first time interval” (col. 32, lines 26-31 as the user can purchase a program or service from the resulting list of defined program schedule information as pointed out in col. 31/lines 35-56, please note as pointed out in col 5/lines 58-65, the system provides additional television services not only for television programs; and Figs. 10, 16-18 for setting up the recording of a television program or service for predefined time intervals, and col. 26/line 23 to col. 27/line 53 for recoding addressed, and defining the time interval as for claim 280).

Lemmons does not further addresses the step of in response to the user second input in requesting interactive recording guide that lists identification of television content instances, which displays the interactive guide including a listing in a promote manner simply based on the

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user profile or preference (the at least one parameter, and the first time interval—meaning which also can be selected by the user) and the guide lists the promoted items along with other non-promoted items (as amended); however, this technique is taught by Schein as Schein clearly shows an interactive program guide, as shown in Figs. 16B & 16C, the program guide offers a list of items or instances (such as music videos and business & stocks for soliciting of requesting products info or services for ordering/purchasing), which can be selected by the user/viewer, in a promoted manner beside the non-promoted instances (such as headlines news, national & local news—they are regular broadcasting programming services to users). In addition, Figs. 17B & 17C show a clear view on this issue as in addition to regular program broadcast of a sports channel, a related product for sale as a NFL cap regarding as items offered in a promoted manner (refer to Schein, col. 1/line 45 to col. 2/line 17 on how advertisers promotes their products and services & col. 12/lines 23-47 for user preferences and customization to display promoted items per the user's profile). The viewer/user can record the programs unattended as well (Fig. 6, col. 8/lines 37-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lemmons' system with known technique as disclosed by Schein in order to target the users/viewers with appropriate products and services based on the users' preference or profile and further to record a favorite program at easy in addition to the available of non-promoted services.

As for claims 251-260, these claims with same limitations for providing television service and recording to the user are rejected for the reasons given in the scope claims 240-249 as already disclosed above.

(Claims 261-278 were canceled).



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As for claim 276, Lemmons discloses “wherein the first television function comprises enabling a sales transaction”, i.e., purchasing a program/service regarding as a sales transaction (col. 32/lines 26-30).

As for claim 277, Lemmons further discloses “wherein the first television function comprises enabling recording a television service” (col. 7/line 65 to col. 8/line 18).

As for claim 278, Lemmons discloses “wherein the first television function corresponds to a user input key” (Fig. 2 for a user interface remote 78 for input key; and col. 7/lines 47-65).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gordon et al (PTO-892 attached) discloses related EPD systems with advertisements.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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8. **Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**  
(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to "Krista" Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2611